

Atty. Dkt. No. 035451-0196 (3574.Palm.Con1)
f/k/a 035451-0109A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Webb et al.

Title: FOLDING KEYBOARD FOR AN
ELECTRONIC
COMMUNICATIONS DEVICE

Appl. No.: 10/707,378

Filing Date: 12/9/2003

Examiner: Michael V. Datskovskiy

Art Unit: 2835

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <i>Alistair K. Chan</i> (Printed Name) <i>Alistair K. Chan</i> (Signature) <i>June 2, 2005</i> (Date of Deposit)
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DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, William Webb, state and declare that:

1. I conceived the subject matter recited in at least independent Claims 1, 15, and 27 currently pending in U.S. Patent Application No. 10/707,378 titled "Folding Keyboard For An Electronic Communications Device" (hereinafter referred to as "the '378 application").
2. I understand that in an Office Action dated December 08, 2004, Claims 1-30 were rejected as being unpatentable.
3. I understand that the rejection of Claims 1-30 was based on the use of U.S. Patent Application Publication No. 2002/0072395 (attached as Exhibit A) to Miramontes, entitled "Telephone with Fold Out Keyboard" (hereinafter "Miramontes").
4. I understand based on the information provided on the front page of Miramontes that Miramontes has a filing date of September 28, 2001, and claiming priority to provisional application No. 60/265,667 (attached as Exhibit B) filed on February 02, 2001 and to provisional application No. 60,251,763 filed on December 08, 2000 (attached as Exhibit C).

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5. I understand that application No. 60/251,763 did not disclose the subject matter recited in at least Claims 1, 15, and 27.
6. At least by December 18, 2000, I conceived in Santa Clara, CA the ideas set forth in Claims 1, 15, and 27 of the '378 application. Such conception is evidenced by the following attached documents:
 - a) A copy of an electronic mail message (Exhibit D) dated December 12, 2000 from Senior Patent Attorney Henry Ohab of Palm, Inc. to Alistair Chan of Foley & Lardner LLP. The message had attached an Invention Disclosure Form (Exhibit E) describing some of the subject matter of the '378 application.
 - b) A copy of the Invention Disclosure Form referred to in a).
 - c) A copy of an electronic mail message (Exhibit F) dated January 02, 2001 from Senior Patent Attorney Henry Ohab of Palm, Inc. to Alistair Chan of Foley & Lardner LLP (among others). The message had attached an Invention Disclosure Form (Exhibit G) describing additional subject matter of the '378 application.
 - d) A copy of the Invention Disclosure Form referred to in c) describing the subject matter of the '378 application and indicating a date of conception of December 18, 2000.
7. Based on the documents provided herewith and my best recollection, the conception of the ideas set forth in Claims 1, 15, and 27 of the '378 application took place at least by December 18, 2000, which is before the February 2, 2001 filing date of provisional patent application No. 60/251,763 which discloses subject matter alleged to be similar to the subject matter of Claims 1-30.
8. Based on the documents provided herewith and my best recollection, coinventors Alan C. Urban, Rich Gioscia, Lawrence Lam, David Northway and myself, conceived of other aspects of the invention recited in claims 2-14, 16-26, and 28-30
9. I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or any patent issuing therefrom.

Date: 5-30-2005

By: 

William Webb